

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jörg PETER  
Title: IMAGING METHOD AND DEVICE FOR  
CARRYING OUT SAID METHOD  
Appl. No.: Unassigned  
Filing Date: 12/13/2004  
Examiner: Unassigned  
Art Unit: Unassigned

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the date of entry of the national stage as set forth in 37 CFR §1.491.

**RELEVANCE OF EACH DOCUMENT**

Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding International application. Copies of the documents are not being provided since copies should have been provided directly by WIPO under an exchange program between the PTO, the EPO and the JPO. A copy of the International Search Report setting forth the portion of each reference considered relevant by the examiner is attached.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: December 13, 2004

By *Richard L. Schwaab*

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01/12 REC 01/17/PTO 13 DEC 2004

Substitute for form 1449B/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  Date Submitted: December 13, 2004  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	Unassigned
Sheet 1 of 2				Filing Date	12/13/2004
				First Named Inventor	Jörg PETER
				Group Art Unit	Unassigned
				Examiner Name	Unassigned
				Attorney Docket Number	085449-0157

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A1	WO	01/56582	A	GOMORY et al.	08-09-2001		

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.		T <sup>6</sup>
	A2	HOOPER C.E. et al., "CCD Imaging of Luciferase Gene Expression in Single Mammalian Cells", Journal of Bioluminescence and Chemiluminescence, 1990, pages 123-130, Vol. 5		
	A3	JACOBS A. et al., "Functional coexpression of HSV-1 thymidine Kinase and Green Fluorescent Protein: Implications for noninvasive imaging of transgene expression.", Neoplasia, June 1999, pages 154-161, vol. 1, no. 2		
	A4	KOST B. et al., "Non-destructive Detection of Firefly Luciferase (LUC) Activity in Single Plant Cells Using a Cooled, Slow-Scan CCD Camera and an Optimized Assay", Plant Journal, 1995, pages 155-166, vol. 8, no. 1		
	A5	EDINGER M. et al., "Monitoring the anti tumor activity of expanded CD8 + NKT cells after allogeneic bone marrow transplantation using bioluminescent imaging, Blood, November 16, 2001, page 433a, vol. 98, no. 11, parts 1 and 43 <sup>rd</sup> Annual Meeting of the American Society of Hematology, Part 1, Orlando, Florida, December 7-11, 2001		
	A6	EBMEIER K.P. et al., Temporal lobe abnormalities in dementia and depression: a study using high resolution single photon emission tomography and magnetic resonance imaging." Journal of Neurology, Neurosurgery and Psychiatry, November 1997, pages 597-604, vol. 63, no. 5		
	A7	HANDLER A.M. et al., Polyubiquitin-regulated DsRed marker for transgenic insects.", Biotechniques, October 2001, pages 820, 824-828, vol. 31, no. 4		
	A8	ROGUS R.D., et al., "Accuracy of a photogrammetry-based patient positioning and monitoring system for radiation therapy.", Medical Physics, May 1999, pages 721-728, vol. 26, no. 5		
	A9	EDINGER M. et al., "Advancing animal models of neoplasia through in vivo bioluminescence imaging.", European Journal of Cancer, November 1992, pages 2128-2136, vol. 38, no. 16		

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

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10/517637

MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

Date Submitted: December 13, 2004

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Sheet 2 of 2

## **Complete if Known**

Application Number	Unassigned
Filing Date	12/13/2004
First Named Inventor	Jörg PETER
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	085449-0157

## **NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A10	EDINGER M. et al., "Revealing Lymphoma growth and the efficacy of immune cell therapies using in vivo bioluminescence imaging.", Blood, January 15, 2003, pages 640-648, vol. 101, no. 2	

Examiner Signature		Date Considered	
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